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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/870,210

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Scott Wolinsky

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EXAMINER

NGUYEN, DAT

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

11/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/870,210

Applicant(s)

WOLINSKY, SCOTT

Examiner

Dat T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/18/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7-11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147 and 149-155 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1,2,4,7-11,17,18,20,23-27,33-35,37,41,45-47,49,53,81-83,85,88,89,91,95-97,99,102,103,105,109,110,112-118,120-128,130-135,137-141,143-147 and 149-155.

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DETAILED ACTION

Response to Amendment

This office action is responsive to the amendments filed on 09/18/2007 in which applicant amends claims 1, 17, 33, 45, 81, 91, 95, 105, 109, 110, 112-117, 122-125, 131, 132, 138, 139, 144-155 and responds to claim rejections. Claims 1, 2, 4, 7-11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147 and 149-155 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 17, 25, 81 and 95 are rejected under 35 U.S.C. 102(b) as being anticipated by Darling (WO 93/23125).

Regarding claims 1, 9, 17, 25, 81 and 95:

Darling discloses a multiplayer game system utilizing a wireless communications link wherein the game system operates without the use of a central server. Each game terminal is allocated a certain time slot or turn (feature 324, figure 4) wherein the game terminal transmits its game data which is generated at the terminal to the other game terminals (feature 328, figure 4) to progress the game in response to the instruction to determine the outcome (being the allocated turn of the machine). The game also provides player indicators such as a “Master status indicator” (page 15), address/data (page 8), or player identifiers (A, B, C of pages 19-21

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wherein each letter represents a player or player name page 9, second paragraph “David D. has killed the Dragon”). The transmitted and retrieved information is stored in each of the gaming terminal’s RAM (page 10 and 11) wherein these values can include data, numbers, items, and player outcomes. Once the game machines have received the data, the game progresses by switching to another machine wherein the other machine becomes the one to transmit the outcome. After outcomes have been transmitted, they are also displayed to the display of the machines (15), (pages 4, 8, 9-12 and 16-21 along with figures 1 and 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 7, 8, 20, 23, 24, 33, 35, 37, 41, 45, 47, 49, 53, 82, 83, 85, 89, 91, 96, 97, 99, 103, 105, 109, 110, 112, 113, 117, 118, 120, 121, 125, 128, 130, 132, 135, 137, 139, 141, 143, 145, 147, 149, 152, 154 and 155 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling (WO 93/23125) in view of Online Monopoly and Tanskanen (US 6,579,184 B1).

Darling meets the claimed limitation as discussed in the rejection of claim 1 above which is incorporated herein.

Regarding claims 4, 20, 33, 37, 49, 83, 85, 97, 99, 112, 120, 125, 130, 132, 137, 139, 141, 143, 147, 149, 154 and 155:

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Darling further teaches that many games can be played on the system including that of Dungeons and Dragons which is known to include the use of dice rolling (random number generators), however Darling fails to explicitly recite the use of a random number generator or dice. However in a related system, Online Monopoly teaches the use of a networked game system that plays Monopoly over a network of linked game machines wherein the game simulates the roll of a dice via a random outcome generator. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to implement the known improvement of simulated dice rolling for conventional board games implemented in a networked electronic system in order to yield the predictable result of producing a electronic version of a conventional board game such as that of Monopoly or Dungeons and Dragons. Further regarding claims 2, 7, 8, 18, 23, 24, 33, 35, 41, 45, 47, 82, 96, 117, 125, 132, 139, 145, 152, 154 and 155:

The prior art is further silent regarding the specifics of the communications link/means being a dual tone multi-frequency signal (DTMF) and the link being a telephone/wireless phone line. Darling does however teach that the communications link is a radio frequency (page 8 paragraph 3) or transmitted using “any suitably adapted communications protocol known to those skilled in the art” (page 17 paragraph 4). One of such suitably adapted communications protocols is that of a wireless telephone line utilizing a DTMF signal such as that taught by Tanskanen (2:1-27). Tanskanen provides teaching that enables one of ordinary skill in the art to find it obvious to use DTMF signals as a means of communicating information between the gaming terminals of Darling. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to utilize the known in-band DTMF signals as taught by

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Tanskanen in the networked game system of Darling in order to achieve the predictable result of a wireless gaming system which utilizes inband DTMF signals as a data transmission means.

Further regarding claims 41, 53, 91, 105, 109, 117, 125, 132, 139, 145, 152, 154 and 155:

The prior art is further silent regarding the gaming terminals being wireless telephones.

However it is notoriously well known in the art at the time of applicant's invention to implement networked games such as those taught by Darling and Online Monopoly in wireless telecommunications devices. One would be motivated to do so in order to achieve the predictable result of increasing the functionality of a wireless telephones whereby increasing their appeal to potential customers as it is known that one of the many selling points for a wireless telephone is the inclusion of games.

Regarding claim 110, 118, 128 and 135, Darling teaches that the communications link is a wireless link (page 8).

Regarding claim 113, 121 and 152, instructions for defining a plurality of identifiers used to differentiate between said wireless telephones; and determining, at each of said wireless telephones, from which wireless telephone said signal originated (please see rejection of claim 1 and figure 4, pages 16-21 of Darling).

Regarding claims 89 and 103, to one having ordinary skill in the art at the time of applicant's invention, it would have been obvious for a player to place a bet based on the outcome of the die before each turn with Online MONOPOLY® and Tanskanen. One would be motivated to do so because this would provide a side game making the main game more exciting.

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Claims 10, 26, 114, 122, 126, 133, 140, 146, 151 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling in view of Online Monopoly and Tanskanen and further in view of Teshima et al. (U.S. 5,273,288).

The prior art lacks in explicitly teaching:

Regarding Claims 10, 26, 114, 122, 126, 133, 140, 146, 151:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link.

Teshima et al., like Tanskanen, Online MONOPOLY® and Darling, teaches game(s) that can be played over a communications line, such as, a telephone line. Therefore, Tanskanen, Online MONOPOLY®, Stancill and Teshima et al. are analogous art. Furthermore, Teshima et al. teaches each player has a game board that is connected to a telephone line such that one player can play a game against another player in real-time over a telephone line. Teshima et al. additionally teaches:

Regarding Claims 10, 26, 114, 122, 126, 133, 140, 146, 151:

- conversing parties associated with said terminals can spontaneously set up and play a game without interfering with an ongoing conversation over said communications link (column 3, lines 10-21).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Teshima's communication feature in Online MONOPOLY® in view of Tanskanen, Celona and Stancill. One would be motivated to do so because enabling players to converse during the game makes the game more entertaining a personally interactive.

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Claims 11, 27, 34, 46, 115, 116, 123, 124, 127, 131, 134, 138, 144, 150, 153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling in view of Online Monopoly and Tanskanen and further in view of Stancill (US 4,421,314).

The prior art meets the claimed limitations as discussed above, however they seem to lack in explicitly teaching:

Regarding Claims 11, 27, 34, 46, 115, 116, 123, 124, 127, 131, 134, 138, 144, 150, 153:

- each identifier is represented by a different color emitted by one or more LED's (Column 3, lines 40-57). Stancill distinguishes player pieces, chips, and die by having different color player pieces, chips, and die for each player.

It would have been obvious at the time of Applicant's invention to play an Online MONOPOLY® boardgame on Darling in view of Tanskanen multi-player game system utilizing Stancill's player distinguishing features. One would be motivated to do so since MONOPOLY® is a historically popular game and also to enhance the graphics on the display screen to make it easier for player's to distinguish between game tokens.

Claims 88 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darling in view of Online Monopoly and Tanskanen and further in view of McKay et al. (U.S.Pub. 2002/0082067).

The prior art seems to lack explicitly teaching:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer.

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Mckay et al. teaches of a trivia board game played on a personal computer. Mckay et al., Tanskanen, Online MONOPOLY® and Darling are analogous art since each teach of board games. Mckay et al. teaches:

Regarding Claims 88 and 102:

- the displayed outcome simulates a timer (13) (fig. 1).

It would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to incorporate Mckay's timer in Online MONOPOLY® in view of Tanskanen, Celona and Stancill. One would be motivated to do so to place a limit on the amount of time a player has to decide whether to purchase a property the player has landed on during their turn.

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 4, 7-11, 17, 18, 20, 23-27, 33-35, 37, 41, 45-47, 49, 53, 81-83, 85, 88, 89, 91, 95-97, 99, 102, 103, 105, 109, 110, 112-118, 120-128, 130-135, 137-141, 143-147 and 149-155 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

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/Scott Jones/

Primary Examiner, Art Unit 3714